

Exhibit 1

Cohen Fineman, LLC
Samuel B. Fineman, Esquire
NJ ID No. 005381999
1999 Marlton Pike East, Suite 4
Cherry Hill, NJ 08003
(856) 304-0699
Attorney for Plaintiff

PANKAJ SHARMA,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
PLAINTIFF,	:	MIDDLESEX COUNTY
	:	
	:	DOCKET NO. MID-L-007458-20
	:	
	:	CIVIL ACTION
v.	:	
	:	VERIFIED COMPLAINT
VIVIAN LIU,	:	
	:	
DEFENDANT.	:	JURY TRIAL DEMANDED

Plaintiff, Pankaj Sharma, by and through his attorney, Samuel Fineman, Esquire, of the law firm of Cohen Fineman, LLC, complains against Defendant, Vivian Liu, an adult individual, and alleges as follows:

PARTIES

1. Plaintiff, Pankaj Sharma (hereafter “Sharma”) is an adult New Jersey resident currently domiciled at 202 Compton Avenue, Edison New Jersey 08820.
2. Defendant, Vivian Liu (hereafter “Liu”) is an adult New York resident currently domiciled at 353 56th Street, Brooklyn, New York 11220.
3. Sharma is a published and well-respected metallurgical engineering with Con Edison.
4. On information and belief, Liu is currently working for Wolters Kluwer in the field of applied data.

FACTUAL ALLEGATIONS

5. Sharma's claims surround Liu's posting of defamatory and false statements on social media sites, including, but not limited to, Twitter and Facebook.
6. In addition, on information and belief, Liu created and registered an eponymous web page under the website "www.pankaj-sharma.com," (hereafter "Pankaj Sharma website") wherein Liu made defamatory and false statements about Sharma.
7. On information and belief, using the pseudonyms "Ben Downey" and "Blake Bommer," Liu made false and defamatory statements on Sharma's employer, Con Edison's interactive Twitter and Facebook pages alleging that Sharma "was found guilty of harassment" and that he "molested and injured a young woman after he refused to have sex with her." True and correct copies of said Twitter and Facebook postings are attached hereto, made a part hereof and marked as Exhibit "A."
8. On information and belief, on the Pankaj Sharma website, Liu alleges that Sharma, in addition to "molest[ing] and injur[ing] a young woman after he refused to have sex with her," also "continued to touch and molest her despite the victim telling him not to touch her. In a fit of anger after the victim rejected his sexual and romantic advances, Sharma intentionally injured the victim and caused long term nerve damage that the victim is still suffering from 16 months later. Sharma became angry because he felt entitled to sex with the victim." A true and correct copy of said website is attached hereto, made a part hereof and marked as Exhibit "B."
9. Liu is afraid to use her real identity in these malicious postings because she knows that said postings are false and defamatory.
10. Sharma categorically denies ever molesting, harassing, soliciting or injuring Liu.
11. Sharma asserts that Liu's allegations are patently false and were made with the specific intent of harming Sharma's good name and reputation in both New Jersey and New York.

12. Liu specifically intended to direct her defamatory communications via interactive social media so that New Jersey residents and social media participants would view and respond to her defamatory postings.

13. Liu posted defamatory statements on Con Edison's interactive Twitter and Facebook pages with the specific intent of convincing Con Edison to terminate Sharma's employment.

14. Liu's false and defamatory postings about Sharma amount to libel *per se* and have caused Sharma severe harm to his personal and professional reputations.

JURISDICTION AND VENUE

15. Jurisdiction is proper in this matter under R. 4:4-4, consistent with due process of law.

16. Venue is properly laid in Middlesex County, New Jersey pursuant to R. 4:3-2, as such is the location wherein the cause of action arose.

17. With respect to long-arm jurisdiction, Liu's postings on interactive social media sites were sufficiently purposeful and directed toward New Jersey readers and/or participants such that she should reasonably anticipate being haled into court in New Jersey for her actions.

COUNT I --DEFAMATION

18. Sharma restates and incorporates by reference, as if fully restated herein, the allegations in Paragraphs 1 through 17, *supra*.

19. Based on the foregoing, Liu's pseudonymous postings on social media and allegations on the Sharma website are *per se* defamatory.

20. Sharma asserts that he never molested, harassed, solicited or injured Liu.

21. The defamatory statements made by Liu about Sharma have subjected Sharma to ridicule and contempt, have harmed Sharma's personal and professional reputations by lowering the community's estimation of him and have jeopardized his employment with Con Edison.

RELIEF DEMANDED

WHEREFORE, Plaintiff, Pankaj Sharma, hereby demands judgement as follows:

- a. On Count I of the Complaint, in favor of the Plaintiff, Pankaj Sharma, and against Vivian Liu in an amount to be determined but not less than \$5,000,000.00 plus interest at the statutory rate from the date of judgment and costs;
- b. On Count I, for attorney's fees;
- c. Punitive damages; and
- d. Such other and further relief as is just appropriate.

COUNT II – FALSE LIGHT

22. Sharma restates and incorporates by reference, as if fully restated herein, the allegations in Paragraphs 1 through 21, *supra*.

23. Based on the foregoing, Liu's pseudonymous postings on social media and allegations on the Sharma website depict Sharma in a false light.

24. The false light in which Sharma was placed, namely that he is convicted sexual predator and abuser, would be highly offensive to a reasonable person.

25. On information and belief, Liu had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which Sharma would be placed by her actions.

26. The false light in which Sharma was placed has exposed him to ridicule and contempt, has harmed Sharma's personal and professional reputations by lowering the community's estimation of him and has jeopardized his employment with Con Edison.

RELIEF DEMANDED

WHEREFORE, Plaintiff, Pankaj Sharma, hereby demands judgement as follows:

- a. On Count II of the Complaint, in favor of the Plaintiff, Pankaj Sharma, and against Vivian Liu in an amount to be determined but not less than \$5,000,000.00 plus interest at the statutory rate from the date of judgment and costs;
- b. On Count II, for attorney's fees;
- c. Punitive damages; and
- d. Such other and further relief as is just appropriate.

Respectfully submitted,

Cohen Fineman, LLC
/s/Samuel B. Fineman
Samuel B. Fineman, Esquire
Attorney for Plaintiff
1999 Marlton Pike East, Suite 4
Cherry Hill, NJ 08003
(856) 304-0699

DESIGNATION OF TRIAL COUNSEL

Samuel B. Fineman is hereby designated as trial attorney.

I certify that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other party should be joined in this action. R.4:5-1.

I certify that confidential person identifies have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

/s/Samuel B. Fineman
Samuel B. Fineman, Esquire
Attorney for Plaintiff
1999 Marlton Pike East, Suite 4
Cherry Hill, NJ 08003
(856) 304-0699

Dated: October 26, 2020

EXHIBIT “A”



Con Edison 
@ConEdison

[Home](#)

About

Like

Share

 Suggest Edits

...

Like

Comment

Share

 Send Message

[Watch Video](#)

Ben Downey ► Con Edison ✓

October 8 at 11:09 AM · 🌐

One of your employees, Pankaj Sharma, was charged and found guilty of harassment on 12/18/20 in Pennsylvania. He is currently on probation. Sharma molested, harassed and injured a woman who refused to have sex with him. He is 40 years old and married with two children. He works at the Manhattan office.

#metoo #coned

Like

Comment

Share

33,219

Total Likes

34,868

Total Follows

Pages ▶ Businesses ▶ Public & Government Service ▶ Public Utility Company ▶ Energy Company ▶ Con Edison ▶ Community

English (US) · Español · Português (Brasil) ·
Français (France) · Deutsch

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**Con Edison** @ConEdison · Oct 8
Replying to @BlakeBomer
We appreciate you bringing this to our attention. We will investigate this matter. Thank you.

**Blake Bomer** @BlakeBomer · Oct 8
The linkedin profile link has an extra 0 at the end of it, the correct linkedin profile url is:


PANKAJ SHARMA - Engineer - Con Edison | LinkedIn
View PANKAJ SHARMA'S profile on LinkedIn, the world's largest professional community. PANKAJ has ...
[linkedin.com](#)

**Blake Bomer** @BlakeBomer · Oct 8
Pankaj Sharma, an engineer at @ConEdison, was found guilty of harassment on 12/18/19 in Pennsylvania. Sharma is currently on probation. He molested and injured a young woman after she refused to have sex with him.
[linkedin.com/in/pankaj-shar...](https://www.linkedin.com/in/pankaj-shar...)
#metoo #coned



Magisterial District Judge 43-3-03			
DOCKET			
Docket Number: MJ-43303-NT-0000348-2019			
Non-Traffic Docket			
Commonwealth of Pennsylvania			
v.			
Pankaj Sharma			
Page 1 of 2			
CASE INFORMATION			
Judge Assigned:	Magisterial District Judge Daniel Kropke	Issue Date:	11/12/2019
QTM:		File Date:	
Arresting Agency:	Pennsone Township Police Dept	Arrest Date:	Guilty
Charge(s):	§ 2403003-2	Dispositive:	
Charge(s):	Molester	Dispositive Date:	12/18/2019
Township:	Pennsone Township	Case Status:	Closed
STATUS INFORMATION			
Case Status:	Status Date:	Processing Status:	
Closed	12/18/2019	Completed	
	12/22/2019	Case Transferred to Court of Common Pleas	
	12/22/2019	Completed	
	12/22/2019	Case Balance Due	
	12/18/2019	Completed	


**Blake Bomer** @BlakeBomer · Oct 8
Pankaj Sharma, an engineer at @ConEdison, was found guilty of harassment on 12/18/19 in Pennsylvania. Sharma is currently on probation. He molested and injured a young woman after she refused to have sex with him.
[linkedin.com/in/pankaj-shar...](https://www.linkedin.com/in/pankaj-shar...)
#metoo #coned

EXHIBIT “B”

Pankaj Sharma Con Edison Engineer Molested and Harassed Woman

PANKAJ SHARMA CON EDISON ENGINEER FOUND GUILTY OF
HARASSMENT

*Pankaj Sharma Con Edison Engineer harassed, molested and intentionally injured woman after
she refused to have sex with him.*

Pankaj Sharma Con Edison Engineer Found Guilty of Harassment



Pankaj Sharma Con Edison Engineer

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10/18/2020



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September 10, 2020

Pankaj Sharma, an engineer at Con Edison, was found guilty of harassment in Monroe County, Pennsylvania on Dec. 18th, 2019. Pankaj Sharma, 40, harassed, molested and intentionally injured a young woman after she refused to have sex with him. Sharma is married with two children and lives in Edison, NJ. Pankaj Sharma plead not guilty but was found guilty in MDJ court.

The victim told Sharma that she did not want to have sex with him. Sharma continued to touch and molest her despite the victim telling him not to touch her. In a fit of anger after the victim rejected his sexual and romantic advances, Sharma intentionally injured the victim and caused long term nerve damage that the victim is still suffering from 16 months later. Sharma became angry because he felt entitled to sex with the victim.

Sharma bragged about how smart, well-educated and good at his job he was. Sharma bragged about how great he was at massages. Sharma sent the victim an email where he asked the victim not to testify against him in court. Sharma called himself a "well educated professional from a decent background" in the email. Sharma boasted about his education, profession and social pedigree in the email because he seems to believe his education, profession and social pedigree entitled him not only to sex with the victim but also to committing a crime without any consequences.

Pankaj Sharma is currently on probation. He must undergo drug tests and meet with his probation officer biweekly. Assistant District Attorney David Marra enrolled Sharma into a pretrial diversionary program called accelerated

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expunges his criminal record.

Commonwealth of Pennsylvania v. Pankaj Sharma Court Summary

Pankaj Sharma Con Edison Engineer Found Guilty of Harassment

Download Court Summary PDF >



Magisterial District Court 43-3-03 Public Court Summary

Sharma, Pankaj		DOB: 10/16/1979	Sex: Male	
Edison, NJ 08820			Eyes: Unknown	
			Hair: Unknown or Completely Bald	
			Race: Unknown/Unreported	
Aliases: Pankat Sharma				
Court: MDJ-43-3-03				
Closed				
MJ-43303-NT-0000348-2019		Processing Status: Completed	OTN:	
Arrest Date:			Disp. Event Date: 12/18/2019	
Last Action: Summary Trial			Last Action Date: 12/18/2019	
Next Action:			Next Action Date:	
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>

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MDJS 1210

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Printed: 09/10/2020 9:57:31PM

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Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District

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Commonwealth of Pennsylvania v. Pankaj Sharma Docket Sheet

Pankaj Sharma Con Edison Engineer Found Guilty of Harassment

[Download Docket Sheet PDF >](#)

Magisterial District Judge 43-3-03	
DOCKET	
	Docket Number: MJ-43303-NT-0000348-2019 Non-Traffic Docket
Commonwealth of Pennsylvania v. Pankaj Sharma	
Page 1 of 3	
CASE INFORMATION	
Judge Assigned:	Magisterial District Judge Daniel Kresge
OTN:	
Arresting Agency:	Pocono Township Police Dept
Citation #:	R 2698005-2
County:	Monroe
Township:	Pocono Township
Issue Date:	
File Date:	11/12/2019
Arrest Date:	
Disposition:	Guilty
Disposition Date:	12/18/2019
Case Status:	Closed

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Date	Case Balance Due
12/18/2019	Case Disposed/Penalty Imposed
12/18/2019	Awaiting Sentencing
11/25/2019	Awaiting Summary Trial
11/25/2019	Awaiting Scheduling
11/12/2019	Awaiting Plea

CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Status</u>
Summary Trial	12/18/2019 10:15 am	Scheduled
	Magisterial District Judge Daniel Kresge	

DEFENDANT INFORMATION

<u>Name:</u>	Sharma, Pankaj	<u>Sex:</u>	Male
<u>Date of Birth:</u>	10/16/1979	<u>Race:</u>	Unknown/Unreported
<u>Address(es):</u>			
Home			
Edison, NJ 08820			

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Participant Name</u>
Arresting Officer	Miller, Larry C.
Defendant	Sharma, Pankaj

MDJS 1200

Printed: 09/10/2020 9:57 pm

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Download Court Docket Sheet

Commonwealth of Pennsylvania v. Pankaj Sharma Court Summary and
Docket Sheet

PankajSharmaMDJCourtSummaryReport (pdf) 

PankajSharmaMDJDocketSheet (pdf) 

Pankaj Sharma's LinkedIn Profile

LINKEDIN PROFILE

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CERTIFICATION OF VERIFICATION AND NON-COLLUSION

Pankaj Sharma, says:

I am Plaintiff in the foregoing Complaint. I have personal knowledge of all of the allegations made in the Complaint and they are made in truth and good faith, without collusion, and for the causes set forth therein.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/Pankaj Sharma

Pankaj Sharma

Dated: October 26, 2020

It is on this _____ day of _____, 2020, **ORDERED** that defendant, Vivian Liu, appear and show cause before the Superior Court at the Middlesex County Courthouse located at 56 Paterson St., New Brunswick, NJ 08903-0964 at ____ o'clock in the a.m./p.m. or as soon thereafter as counsel can be heard, on the _____ day of _____, 2020, why an order should not be issued preliminarily enjoining and restraining defendant, Vivian Liu from:

- A. Allowing her defamatory and false postings regarding Plaintiff to remain on social media sites such as Twitter, Facebook and www.pankaj-sharma.com;
- B. Posting defamatory and false statements regarding Plaintiff on any social media platforms or websites; and
- C. Granting such other relief as the court deems equitable and just.

And it is further **ORDERED** that pending the return date herein, the defendant is temporarily enjoined and restrained from:

- A. Allowing her defamatory and false postings regarding Plaintiff to remain on social media sites such as Twitter, Facebook and www.pankaj-sharma.com;
- B. Posting defamatory and false statements regarding Plaintiff on any social media platform or website.

And it is further **ORDERED that**:

1. The defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days' notice to the plaintiff's attorney.

2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant_____personally, or within_____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

3. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant no later than three (3) days before the return date.

4. Defendant shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by_____. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A

directory of these offices is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$_____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.

5. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition. The reply papers must be filed with the Clerk of the Superior Court in the county listed above by and a copy of the reply papers must be sent directly to the chambers of Judge _____.

6. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written

answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf. Include a \$ filing fee payable to the “Treasurer State of New Jersey.” You must also send a copy of your Answer to the plaintiff’s attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than ____ days before the return date.

J.S.C.

Cohen Fineman, LLC
Samuel B. Fineman, Esquire
NJ ID No. 005381999
1999 Marlton Pike East, Suite 4
Cherry Hill, NJ 08003
(856) 304-0699
Attorney for Plaintiff

PANKAJ SHARMA,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
PLAINTIFF,	:	MIDDLESEX COUNTY
	:	
	:	DOCKET NO. MID-L-007458-20
	:	
	:	CIVIL ACTION
v.	:	
	:	ORDER
VIVIAN LIU,	:	
	:	
DEFENDANT.	:	

THIS MATTER being brought before the Court by Samuel B. Fineman, Esquire, of Cohen Fineman, LLC, attorney for Plaintiff, Pankaj Sharma, seeking relief by way of temporary restraints pursuant to *R. 4:52*, based upon the facts set for in the Verified Complaint filed herewith and the testimony provided in support thereof, and it appearing that immediate and irreparable damage will probably result.

It is on this _____ day of _____, 2020, **ORDERED** that Defendant, Vivian Liu, is temporarily restrained, pending disposition of the underlying issues at bar, from performing the following actions:

A. Defendant Liu is hereby **ORDERED** to take down immediately all defamatory postings regarding Plaintiff on all social media platforms and the website known as www.pankaj-sharma.com; and

B. Defendant Liu is **ORDERED** to refrain from posting any new defamatory statements regarding Plaintiff on any and all social media platforms and the website known as www.pankaj-sharma.com.

J.S.C.

Cohen Fineman, LLC
Samuel B. Fineman, Esquire
NJ ID No. 005381999
1999 Marlton Pike East, Suite 4
Cherry Hill, NJ 08003
(856) 304-0699
Attorney for Plaintiff

PANKAJ SHARMA,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
PLAINTIFF,	:	MIDDLESEX COUNTY
	:	
	:	DOCKET NO. MID-L-007458-20
	:	
v.	:	CIVIL ACTION
	:	
VIVIAN LIU,	:	MEMORANDUM OF LAW IN
	:	SUPPORT OF PLAINTIFF’S
	:	ORDER TO SHOW CAUSE WITH
DEFENDANT.	:	TEMPORARY RESTRAINTS

Plaintiff, Pankaj Sharma, by and through his attorneys, Cohen Fineman, LLC, submits the within Memorandum of Law in Support of Plaintiff’s Order to Show Cause with Temporary Restraints Pursuant to *R. 4:52* and Verified Complaint:

I. LEGAL ARGUMENT

A. TEMPORARY INJUNCTIVE RELIEF IS APPROPRIATE AS PLAINTIFFS CLEARLY SATISFY THE CROWE TEST

In determining whether to enter an interlocutory injunction, a judge must find that the movant has demonstrated the following elements: (1) irreparable harm is likely if the relief is denied; (2) the applicable underlying law is well settled; (3) the material facts are not substantially disputed and there exists a reasonable probability of ultimate success on the merits; and (4) the balance of the hardship to the parties favors the issuance of the requested relief. *Crowe v. De Gioia*, 90 N.J. 126, 132-34, 447 A.2d 173 (1982); *McKenzie v. Corzine*, 396 N.J. Super. 405, 413, 934 A.2d 651 (App.Div. 2007); *Subcarrier Commcn's, Inc. v. Day*, 299 N.J.

Super. 634, 638, 691 A.2d 876 (App.Div. 1997); *J.H. Renarde, Inc. v. Sims*, 312 N.J. Super. 195, 206, 711 A.2d 410 (Ch. Div. 1998). See also, *Rinaldo v. RLR Inv., LLC*, 387 N.J. Super. 387 (App.Div. 2006).

Although it is generally understood that all of the *Crowe* factors must weigh in favor of injunctive relief, see, e.g., *McKenzie, supra*, 396 N.J. Super. at 414, 934 A.2d 651; *Sherman v. Sherman*, 330 N.J. Super. 638, 642-43, 750 A.2d 229 (Ch. Div. 1999), a court may take a less rigid view than it would after a final hearing when the interlocutory injunction is merely designed to preserve the status quo. *General Elec. Co. v. Gem Vacuum Stores, Inc.*, 36 N.J. Super. 234, 236-37, 115 A.2d 626 (App.Div. 1955).

In that regard, a claim with only “some” factual merit or based on uncertain or novel legal principles may nevertheless support an interlocutory injunction, limited to preserving the status quo, so long as the harm confronting the movant is great and irreparable, and the hardship imposed on the opponent is not terribly significant, or, as required by *R. 4:52-3*, may be secured through the imposition of some form of security or through the imposition of other equitable terms. The anticipated duration of the interlocutory injunction also impacts on the determination. See *Waste Management of New Jersey, Inc. v. Union County Utilities Authority*, 399 N.J. Super. 508, 536 (App.Div. 2008). Each element under *Crowe* will be addressed herein.

1. Irreparable Harm is Likely to Result

As Plaintiff states in the Verified Complaint, Defendant Liu is attempting to torpedo Plaintiff’s reputation and good name by making baseless and offensive allegations against Plaintiff on social media platforms, including but not limited to, as Twitter and Facebook, along with an eponymous website known as www.pankaj-sharma.com, which, on information and belief, Defendant created. Defendant, through several psuedonyms, is specifically alleging that

Plaintiff “was found guilty of harassment” and that he “molested and injured a young woman after he refused to have sex with her.” See Ver. Comp., Ex. “A.” These claims are patently false. In addition, on the website Defendant alleges that Plaintiff “continued to touch and molest her despite the victim telling him not to touch her. In a fit of anger after the victim rejected his sexual and romantic advances, Sharma intentionally injured the victim and caused long term nerve damage that the victim is still suffering from 16 months later. [Plaintiff] became angry because he felt entitled to sex with the victim.” See Ver. Comp., Ex “B.” Baseless allegations of this nature amount to defamation *per se* and reputational damages can be assumed. Irreparable harm is imminent if these postings are allowed to remain in the public sphere.

2. The Applicable Law is Well Settled

Plaintiff is proceeding under a combination of well-settled common law tort principals, defamation and false light. Plaintiff is not proposing a cause of action under a new theory of law.

3. The Material Facts are not Substantially Disputed

For her part, Defendant Liu will claim that her baseless accusations are grounded in fact. However, Liu can offer no proof or evidence supporting any of her spurious allegations regarding Plaintiff. Whatever her motivation, Defendant’s actions are malicious and designed to cause maximum harm to Plaintiff’s reputation.

4. The Balance of the Hardships Favors Relief

On balance, there is no hardship, economic or otherwise, to Defendant Liu should the Court grant the relief requested. On the other hand, the hardship posed to Plaintiffs is great. For each day that Defendant’s defamatory postings remain in the public sphere Plaintiff’s reputation is irreparably damaged.

II. CONCLUSION

Based upon the foregoing arguments, Plaintiff prays that this Honorable Court grant the relief sought in Plaintiff's proposed Order.

Respectfully submitted,

Cohen Fineman, LLC
/s/Samuel B. Fineman
Samuel B. Fineman, Esquire
Attorney for Plaintiff
1999 Marlton Pike East, Suite 4
Cherry Hill, NJ 08003
(856) 304-0699

Dated: October 26, 2020

Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-007458-20

Case Caption: SHARMA PANKAJ VS LIU VIVIAN

Case Initiation Date: 10/27/2020

Attorney Name: SAMUEL BRAD FINEMAN

Firm Name: COHEN FINEMAN LLC

Address: 1999 MARLTON PIKE EAST STE 4
CHERRY HILL NJ 08003

Phone: 8563040699

Name of Party: PLAINTIFF : Sharma, Pankaj

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: DEFAMATION

Document Type: Verified Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: Pankaj Sharma? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Friend/Neighbour

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

10/27/2020
Dated

/s/ SAMUEL BRAD FINEMAN
Signed

Exhibit 2

Cohen Fineman, LLC
Samuel B. Fineman, Esquire
NJ ID No. 005381999
1999 Marlton Pike East, Suite 4
Cherry Hill, NJ 08003
(856) 304-0699
Attorney for Plaintiff

FILED
OCT 28 2020
JUDGE PETER J. BARNES

PANKAJ SHARMA,	:	SUPERIOR COURT OF NEW JERSEY	
	:	LAW DIVISION	
PLAINTIFF,	:	MIDDLESEX COUNTY	
	:		
	:	DOCKET NO.	GRANTED
	:		
	:	CIVIL ACTION	
v.	:		
	:	ORDER TO SHOW CAUSE WITH	
VIVIAN LIU,	:	TEMPORARY RESTRAINTS	
	:	PURSUANT TO RULE 4:52	
DEFENDANT.	:		

This matter being brought before to the court by Samuel B. Fineman, Esq. of Cohen Fineman, LLC, counsel for Plaintiff, seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the verified complaint filed herewith; and it appearing that the defendant has notice of this application, or defendant consent's to plaintiff's application, or immediate and irreparable damage will probably result before notice can be given and a hearing held, and for good cause shown.

IT IS on this 28th day of **October**, 2020, **ORDERED** as follows:

1. **ORDERED** that defendant, Vivian Liu, appear and show cause before the Superior Court at the Middlesex County Courthouse located at 56 Paterson St., New Brunswick, NJ 08903 by phone at 9 o'clock in the a.m./~~p.m.~~ or as soon thereafter as counsel can be heard, on the 4th day of **December**, 2020, why an order should not be issued preliminarily enjoining and restraining defendant, Vivian Liu from:

- A. Allowing her defamatory and false postings regarding Plaintiff to remain on social media sites such as Twitter, Facebook and www.pankaj-sharma.com;
- B. Posting defamatory and false statements regarding Plaintiff on any social media platforms or websites; and
- C. Granting such other relief as the court deems equitable and just.

And it is further **ORDERED** that pending the return date herein, the defendant is temporarily enjoined and restrained from:

- A. Allowing her defamatory and false postings regarding Plaintiff to remain on social media sites such as Twitter, Facebook and www.pankaj-sharma.com;
- B. Posting defamatory and false statements regarding Plaintiff on any social media platform or website.

And it is further **ORDERED that**:

- A. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the defendant(s)

PERSONALLY OR BY OVERNIGHT DELIVERY WITH SIGNATURE

CONFIRMATION ONLY within seven (7) days of the date hereof, in accordance with

R. 4:4-3 and R. 4:4-4, this being original process. **DELIVERY BY REGULAR MAIL**

AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED, SHALL NOT

CONSTITUTE EFFECTIVE SERVICE.

- B. The plaintiff must file with the court its proof of service of the pleadings and all supporting papers on the defendant no later than three (3) days before the return date.
- C. Defendant shall serve and file a written response to this original order to show cause and the request for entry of injunctive relief and proof of service by fifteen (15) days of

service. The answer, answering affidavit or a motion, as the case may be, must be filed with the Clerk of the Superior Court in Middlesex County and a courtesy copy of the papers must be sent directly by email to the Hon. Peter J. Barnes III, J.S.C., available at peter.barnes@njcourts.gov.

- D. These documents must be filed with the Clerk of the Superior Court in Middlesex County. A directory of these offices is available in the Civil Division Management Office in the county list above, and at https://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.
- E. Include the appropriate filing fee, if any, payable to the “Treasurer, State of New Jersey.” You must also send a copy of your answer, answering affidavit or motion to the plaintiff’s attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer, answering affidavit or motion with the appropriate filing fee, if any, or judgment may be entered against you by default.
- F. You must also send a copy of your opposition papers to the plaintiff’s attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file opposition and pay the required fee and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.
- G. The plaintiff must file and serve any written reply to the defendant’s order to show cause opposition by no later than three (3) days before the return date, in accordance with R. 1:3-1.
- H. The reply papers must be filed with the Clerk of the Superior Court in Middlesex County

and a courtesy copy of the reply papers must be sent directly by email to the Hon. Peter J. Barnes, J.S.C., available at peter.barnes@njcourts.gov.

- I. If the defendant(s) do/does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three (3) days prior to the return date, in accordance with R. 1:3-1.
- J. If the plaintiff has not done so, a proposed form of order (along with a self-addressed return envelope with return address and postage) addressing the relief sought on the return date must be submitted no later than three (3) days before the return date, pursuant to R. 1:3-1.
- K. Defendant(s) take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, an answering affidavit or a motion returnable on the return date to the order to show cause and proof of service before the return date of the order to show cause.
- L. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at

http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf

M. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the Court is advised by the parties to the contrary no later than three (3) days before the return date or no opposition to the order to show cause is filed, in accordance with R. 1:3-1.

N. **ABSENT A SHOWING OF EXCEPTIONAL AND UNFORESEEN CIRCUMSTANCES, THE COURT WILL NOT ENTERTAIN ADJOURNMENT REQUESTS RECEIVED ON THE DAY BEFORE THE RETURN DATE.**

SO ORDERED:

/s/ Hon. Peter J. Barnes, J.S.C.

Exhibit 3

Case Summary

Case Number: MID L-007458-20**Case Caption:** Sharma Pankaj Vs Liu Vivian**Court:** Civil Part**Case Type:** Defamation**Case Track:** 3**Original Discovery End Date:****Original Arbitration Date:****Original Trial Date:****Disposition Date:****Venue:** Middlesex**Case Status:** Active**Judge:** Peter J Barnes**Current Discovery End Date:****Current Arbitration Date:****Current Trial Date:****Case Disposition:** Open**Case Initiation Date:** 10/27/2020**Jury Demand:** None**Team:** 3**# of DED Extensions:** 0**# of Arb Adjournments:** 0**# of Trial Date Adjournments:** 0**Statewide Lien:****Plaintiffs****Pankaj Sharma****Party Description:** Individual**Address Line 1:** 202 Compton Avenue**Address Line 2:****City:** Edison**State:** NJ**Zip:** 08820**Attorney Name:** Samuel Brad Fineman**Attorney Bar ID:** 005381999**Attorney Email:** SFINEMAN@COHENFINEMAN.COM**Phone:****Defendants****Vivian Liu****Party Description:** Individual**Address Line 1:** 353 56Th Street**Address Line 2:****City:** Brooklyn**State:** NY**Zip:** 11220**Attorney Name:****Attorney Bar ID:****Attorney Email:****Phone:****Case Proceeding**

Created Date	Scheduled Time	Court Room	Judge Name	Proceeding Description	Motion Type	Proceeding Status	Motion Status
12/04/2020	09:00	405	PETER J BARNES	MOTION HEARING	MOTION FOR ORDER TO SHOW CAUSE HEARING	RSCHED	
01/22/2021	09:00	REMO T	PETER J BARNES	MOTION HEARING	MOTION FOR ORDER TO SHOW CAUSE HEARING	PENDING	PG

Case Actions

Filed Date	Docket Text	Transaction ID	Entry Date
10/27/2020	Verified Complaint for MID-L-007458-20 submitted by FINEMAN, SAMUEL BRAD, COHEN FINEMAN LLC on behalf of PANKAJ SHARMA against VIVIAN LIU *LINKED FILING*	LCV20201918759	10/27/2020
10/28/2020	TRACK ASSIGNMENT Notice submitted by Case Management	LCV20201927016	10/28/2020
10/28/2020	Order Show Cause(Setting Hearing Date)-GRANTED by Judge PETER J. BARNES, JSC	LCV20201928774	10/28/2020
10/28/2020	The motion filed on 10/27/2020 will be decided on 12/04/2020. Do not come to the courthouse because no oral argument has been requested. The court's decision will be provided to you. Re: COMPLAINT [LCV20201918759]	LCV20201928829	10/28/2020
11/30/2020	CORRESPONDENCE submitted by SZALKIEWICZ, DANIEL, S of DANIEL SZALKIEWICZ & ASSOCIATES PC on behalf of PANKAJ SHARMA against VIVIAN LIU *LINKED FILING*	LCV20202162644	11/30/2020
12/08/2020	ADJOURNMENT REQUEST (MOTION) submitted by SZALKIEWICZ, DANIEL, S of DANIEL SZALKIEWICZ & ASSOCIATES PC on behalf of PANKAJ SHARMA against VIVIAN LIU *LINKED FILING*	LCV20202232838	12/08/2020
12/09/2020	The motion filed on 10/27/2020 was rescheduled to 01/22/2021. Do not come to the courthouse because no oral argument has been requested. The court's decision will be provided to you. Re: COMPLAINT [LCV20201918759]	LCV20202237393	12/09/2020

Exhibit 4

Daniel Szalkiewicz & Associates

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Suite A44
New York, NY 10033

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F: (914) 500-2315
lawdss.com

November 30, 2020

Via Email and First Class Mail

Middlesex County Superior Court
56 Paterson St.
New Brunswick, NJ 08903
Attn: Hon. Peter J. Barnes

***Re: Sharma v. Liu
Superior Court of New Jersey, Middlesex County
Docket No. Mid-L-007458-20***

Dear Judge Barnes:

Our firm has been recently retained to represent the defendant, Vivian Liu, in the above captioned matter. On November 24, 2020, we agreed to accept service of the pleadings and moving papers in this matter. Pursuant to the Order to Show Cause filed on October 28, 2020, this matter is scheduled for a hearing on December 4, 2020 at 9:00 a.m. I would like to respectfully request an adjournment of the motion so that we could have an opportunity to familiarize ourselves with the matter and draft opposition papers. The adjournment is on consent of the Plaintiff's counsel.

If the court prefers, we can be available for a conference on December 4 to set a new briefing schedule.

Thank you.

Respectfully Yours,

DANIEL SZALKIEWICZ & ASSOCIATES, P.C.



By: Daniel S. Szalkiewicz, Esq.
daniel@lawdss.com

Exhibit 5

PANKAJ SHARMA

Plaintiff,

-against-

VIVIAN LIU,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CIVIL PART

MIDDLESEX COUNTY

DOCKET NO. MID-L-007458-20

It is hereby and agreed between the attorneys for the parties, that the Order to Show Cause returnable on December 4, 2020 is hereby adjourned until January 22, 2020. Defendant shall file opposition papers, if any, by January 8, 2020.

The Parties are to appear for a conference on the return date of the motion.

Daniel Szalkiewicz & Associates, PC

Daniel S. Szalkiewicz
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Attorney for Plaintiff